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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,534	08/14/2003	Jane Jiaying Jin	CISCO-8126	3174
7590	12/21/2004		EXAMINER	
David B. Ritchie THELEN REID & PRIEST LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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121504

DATE MAILED:

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Commissioner for Patents

A preliminary amendment filed on August 14, 2003 was not considered by the examiner and a supplemental office action is being submitted to restart the applicant's statutory response period.

Office Action Summary	Application No. 10/642,534	Applicant(s) JIN ET AL	
	Examiner Christopher A. Revak	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☒ Claim(s) 11, 18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>12/14/04</u> |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the following requirement:

The current status is not indicated for the U.S. Applications. The following format is suggested: "This is a continuation of Application No. 09/882,256, filed on June 14, 2001, now issued as U.S. Patent 6,643,782 and is a continuation of Application No. 09/128,990, filed August 3, 1998, now issued as U.S. Patent 6,311,275."

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 8-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 10-12, and 14-28 of U.S. Patent No. 6,311,275. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are envisioned by patent claims 1-8, 10-12, and 14-28 of the instant application. Claims 8-

22 of the instant application therefore are not patently distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

4. Claims 8-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,643,782. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are envisioned by patent claims 1-37 of the instant application. Claims 8-22 of the instant application therefore are not patently distinct from the earlier patent claims, and as such, are unpatentable for obvious-type double patenting.

Claim Objections

5. Claim 11 is objected to because of the following informalities: One line 7, it is recited of "said intercepted log-on packet request" that is a lack of antecedent basis. The examiner understands the interception to occur by the SSG Server. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by He.

As per claim 14, He discloses of an apparatus for providing a subscriber with single step log-on access to a computer network having network elements (first area and a second area)(col. 4, lines 30-33 and col. 9, lines 13-20). Figure 3 shows multiple network elements, NE (NAS and SSG servers) linked together. A Service Selection Gateway (SSG) Server configured to: intercept a log-on request initiated by the subscriber, route the log-on request to a security server (AAA Server) to initiate log-on for the subscriber to the first area, process an access-reply received from the security (AAA Server), provide log-on access for the subscriber to the second area based on the access-reply, and route the access-reply to a Network Access Server (NAS) to complete log-on for the subscriber to the first area (col. 2, lines 28-32; col. 9, lines 27-34; col. 10, lines 15-30; and col. 12, lines 13-16).

As per claim 15, He teaches that the log-on request is sent from the NAS (col. 4, lines 30-33 and col. 9, lines 13-20).

As per claim 16, it is taught by He that the SSG Server utilizes information contained in the log-on request to initiate log-on for the subscriber to the second area (col. 4, lines 30-33 and col. 9, lines 13-20).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over He in view.

As per claim 17, He discloses of an apparatus for providing a subscriber with single step log-on access to a computer network having network elements (first area and a second area)(col. 4, lines 30-33 and col. 9, lines 13-20). Figure 3 shows multiple network elements, NE (NAS and SSG servers) linked together. A Service Selection Gateway (SSG) Server configured to: intercept a log-on request initiated by the subscriber, route the log-on request to a security server (AAA Server) to initiate log-on for the subscriber to the first area, process an access-reply received from the security (AAA Server), provide log-on access for the subscriber to the second area based on the access-reply, and route the access-reply to a Network Access Server (NAS) to complete log-on for the subscriber to the first area (col. 2, lines 28-32; col. 9, lines 27-34; col. 10, lines 15-30; and col. 12, lines 13-16). The teachings of He are silent in disclosing of having an assigned network address which is used to log onto different servers. The examiner asserts that it is obvious that the user is assigned an IP address, in order for identification so that they can be identified for log-in. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply particular addresses to a client computer. The motivational benefits of applying addresses, is so that a client can be uniquely identified as residing

at a particular IP address for communication of data packets. It is obvious that the teachings of He use addressing since computers communicate across a network.

As per claim 19, He teaches that the log-on request is sent from the NAS and is forwarded to the AAA Server (col. 4, lines 30-33 and col. 9, lines 13-20).

Allowable Subject Matter

10. Claims 8-13 are allowed over the prior art.

As per claim 8, it was not found to be taught in the prior art of a Service Selection Gateway (SSG) Server providing access for the subscriber to the second area, and the SSG Server is connected between the NAS and the AAA Server. The SSG Server receives an access-request packet from the NAS when the subscriber connects the NAS, forwards the access-request packet to the AAA Server, receives an access-reply packet from the AAA Server in response to said access-request packet, forwards the access-reply packet to the NAS, and processes information in said access-reply packet for enabling the SSG Server to automatically log the subscriber onto the SSG Server when the subscriber logs onto the NAS.

As per claim 11, it was not found to be taught in the prior art of a Service Selection Gateway (SSG) Server that intercepts a log-on request packet from a Network Access Server (NAS). The log-on-request packet is initiated by a user seeking to gain access to the first area, wherein access is controlled by the NAS, and to the second area, wherein access to which is controlled by the SSG Server. The SSG Server send an authorization request packet derived from an intercepted log-on request packet to an

Authentication, Authorization and Accounting (AAA) Server and receives an authorization packet from the AAA Server, responsive to the authorization request packet, and processes the log-on request packet and the authorization packet to enable said SSG Server to automatically log the subscriber on to the SSG Server for access to the second area when the subscriber logs on to the NAS.

11. Claims 18 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR


December 15, 2004

Christopher Revak
AU 2131


RJ2131
12/15/04